

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MIAN M. SHAHID,

Petitioner,

v.

WARDEN CRAIG A. LOWE,

Respondent.

No. 4:18-CV-01100

(Judge Brann)

(Chief Magistrate Judge Schwab)

ORDER

APRIL 30, 2019

1. On December 7, 2018, Petitioner, an alien in immigration custody, filed an emergency petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. ECF No. 1.
2. On February 7, 2019, Chief Magistrate Judge Susan E. Schwab ordered the parties to file a status report addressing whether Petitioner was still being held under 8 U.S.C. § 1226(c), or under 8 U.S.C. § 1231(a). Chief Magistrate Judge Schwab also ordered parties to address that if Petitioner was being held under § 1231(a), whether his habeas petition challenging his detention under § 1226(c) is moot. ECF No. 15.
3. Respondent filed a status report on March 7, 2019 confirming that Petitioner is no longer being held under § 1226(c) and explaining that because Petitioner's removal order is administratively final, and the United

States Court of Appeals for the Third Circuit denied his request for a stay, Petitioner is being held under § 1231(a). Defendant contends that Petitioner's petition challenging his detention under § 1226(c) is moot. ECF No. 16.

4. Petitioner has not filed a status report pursuant to Chief Magistrate Judge Schwab's February 9, 2019 Order and he has not filed any response to Respondent's contention that the case is moot.
5. On March 20, 2019, Chief Magistrate Judge Schwab recommended that Petitioner's emergency petition for a Writ of Habeas Corpus be dismissed as moot and the case file be closed. ECF No. 17.
6. Neither party has objected to that recommendation.
7. This Court has reviewed Magistrate Judge Schwab's Report and Recommendation and has determined that "there is no clear error on the face of the record."¹
8. Therefore, **IT IS HEREBY ORDERED** that:
 - a. Chief Magistrate Judge Schwab's Report and Recommendation, ECF No. 10, is **ADOPTED IN IS ENTIRETY**.

¹ See *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) ("When no timely objection is filed [to a Report and Recommendation], the court need only satisfy itself that there is no clear error on the face of the record in order to accept" it.).

- b. Petitioner's emergency petition for a Writ of Habeas Corpus is
DENIED AS MOOT.
- c. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge